ESTTA Tracking number:

ESTTA548456 07/15/2013

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199841
Party	Plaintiff Deer Stags Concepts Inc.
Correspondence Address	TRACY GENE G DURKIN STERNE KESSLER GOLDSTEIN FOX PLLC 1100 NEW YORK AVE NW WASHINGTON, DC 20005 UNITED STATES tdurkin@skgf.com, tm@skgf.com, jshirk@skgf.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Tracy-Gene G. Durkin
Filer's e-mail	tm@skgf.com, tdurkin@skgf.com, jshirk@skgf.com
Signature	/Tracy Durkin/
Date	07/15/2013
Attachments	OPPOSER'S MOTION TO SUSPEND.pdf(647305 bytes) EXHBIBIT A TO OPPOSERS MTN TO SUSPEND.pdf(3857712 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application No.: 85/100,262

Filed: August 4, 2010

Deer (Tracks

Mark:

Published in the Official Gazette: January 18, 2011

Deer Stags Concepts Inc., *Opposer*,

v.

B & S Partners, Inc. DBA Pilgrim Shoes, *Applicant*.

Opposition No. 91199841

Atty Docket: 2554.081OPT0/TGD/JDS

OPPOSER'S MOTION FOR SUSPENSION PENDING OUTCOME OF ANOTHER PROCEEDING

PRELIMINARY STATEMEMENT

Opposer, Deer Stags Concepts Inc. ("Deer Stags"), moves for suspension of the captioned opposition proceeding pursuant to 37 C.F.R. 2.117(a) and TBMP 510.02(a), in light of a civil action pending before the U.S. District Court for the District of Maryland.

"Ordinarily, the Board will suspend proceedings in the case before it if the final determination of the other proceeding will have a bearing on the issues before the Board." TBMP 510.02(a). Here, the outcome of Opposer's trademark infringement and false designation of origin civil action will have a direct bearing on the outcome of this opposition proceeding. Both proceedings involve Deer Stags and the Applicant, B & S Partners, Inc. DBA Pilgrim

Shoes ("B & S Partners"), the same marks, and the same likelihood of confusion issues. Accordingly, Opposer's Motion for Suspension of Proceedings should be granted pending the outcome of the civil action before the District Court in Maryland.

STATEMENT OF FACTS

On May13, 2011, Deer Stags filed a Notice of Opposition with the Trademark Trial and Appeal Board ("the Board") opposing B & S Partners' U.S. Application Serial No. 85/100,262 (the "262 Application") for the mark Deer Offacks for "shoes made in substantial part of deerskin" in International Class 25. This opposition proceeding is based on Deer Stags' assertion of all right, title, and interest in the prior used and registered DEER STAGS mark of U.S. Trademark Registration No. 3,252,841 for "footwear" in International Class 25 and in the prior used and registered DEER STAGS mark of U.S. Trademark Registration No 3,252,835 for "footwear" in International Class 25. Deer Stags alleges that it promotes and sells footwear in the U.S. under its DEER STAGS and DEER STAGS marks, and that it has continuously used its distinctive DEER STAGS and DEER STAGS marks in connection with footwear in U.S. commerce since at least as early as April 1974 and December 15, 1989, respectively, dates which are long prior to the filing date of, or any first use date alleged by B & S Partners in, the '262 Application.

Deer Stags and B & S Partners had been negotiating settlement since December 2012, and this opposition proceeding was suspended for settlement twice. Settlement negotiations recently brokedown, so Deer Stags is proceeding with a district court action to address B & S Partners' infringing use of its DEER TRACKS and Deer ATRACKS marks.

Deer Stags filed and served a Complaint in the U.S. District Court for the District of Maryland based on the manufacture and sale of footwear under the marks DEER TRACKS and

Deer Litacks by B & S Partners et al. The case has been assigned Civil Action No. 1:13-cv-01885-WDQ. A copy of the Complaint is attached as Exhibit A. The Complaint alleges (a) trademark infringement in violation of the Trademark Act of 1946, 15 U.S.C. § 1114 and (b) false designation of origin and unfair competition in violation of the Trademark Act of 1946, 15 U.S.C. § 1125(a). Significantly, the Complaint seeks the adjudication of the only two issues presented in this opposition proceeding: 1) does B & S Partners' Deer Litacks mark as used with footwear so resemble Deer Stags' prior used and registered DEER STAGS mark that it is likely to cause confusion, or to cause mistake, or to deceive and (2) does B & S Partner's Deer Litacks mark as used with footwear so resemble Deer Stags' prior use and registered DEER STAGS mark that it is likely to cause confusion, or to cause mistake, or to deceive.

LEGAL ARGUMENT

A. This Opposition Proceeding Should Be Suspended Because the Civil Action Will Have a "Bearing On" and Be Dispositive of Registration (Likelihood of Confusion) Issues Presented Herein

The Board has discretion to suspend its proceedings pending the final resolution of a civil action where the outcome of the civil action may have a bearing on the Board case. 37 C.F.R. § 2.117(a) and TBMP 510.02(a) ("Ordinarily, the Board will suspend proceedings in the case before it if the final determination of the other proceeding will have a bearing on the issues before the Board."); *Other Telephone Co. v. Connecticut National Telephone Co.*, 181 USPQ 125, 127 (TTAB 1974).

The Board is authorized to suspend proceedings even if the civil action was commenced after the commencement of the Board proceeding. *Midland Coop., Inc. v. Midland Int'l Corp.*, 421 F.2d 754, 756 (3d Cir. 1970) (Board suspended proceedings pending outcome of subsequent civil action because it was "apparent that a decision favorable to plaintiff in said action will be

dispositive of the issues of the opposition" and that "it is inferred that the outcome of said civil suit will be determinative of the issues involved in the instant proceeding.").

Here, the only issues presented in this opposition proceeding are also before the district court. Specifically, the district court will determine whether B & S Partners' use of the Deer Tracks mark is likely to cause confusion, or to cause mistake, or to deceive in view of Deer Stags' prior used and registered DEER STAGS and DEER STAGS marks. The resolution of these likelihood of confusion issues will definitely "have a bearing on the case" before the Board, and indeed will be "dispostive of the issues in this proceeding." *General Motors Corp. v. Cadillac Club Fashions, Inc.*, 22 USPQ.2d 1933, 1936 (TTAB 1992) (indicating that motion to suspend "well taken" since district court decision would be "dispositive" of the cancellation proceeding before the Board).

In short, TTAB proceedings should be suspended where the court will resolve issues that overlap with and therefore having a bearing on the resolution of the issues before the Board. *Alfred Dunhill of London, Inc. v. Dunhill Tailored Clothes, Inc.*, cert. denied, 369 U.S. 864 (1962) (noting that "[i]t appears to be the usual practice to stay registration proceedings pending the outcome of court actions between the same parties involving related issues.") (citations omitted); McCarthy, Trademarks and Unfair Competition § 32.47 (2007) (indicating that "[i]t is standard procedure for the Trademark Board to stay administrative proceedings pending the outcome of court litigation between the same parties involving related issues.").

Accordingly, because the pending civil action includes the same likelihood of confusion issues raised before the Board, its outcome has a direct bearing on and is dispostive of the likelihood of confusion issues presented in this opposition proceeding.

B. Suspension of TTAB Proceedings Will Avoid Duplicative Proceedings and Unnecessary Burden to the Parties and to This Board

The TTAB's practice of favoring suspension of opposition proceedings pending the outcome of civil actions reflects a policy of favoring the efficient adjudication of all issues presented in a single forum, rather than piecemeal adjudications that waste the resources of the parties and the Board itself. To further these goals, the TTAB has stated that "it is better policy to suspend proceedings...until the civil suit has been finally concluded." *Tokaido v. Honda Associates*, 179 USPQ 861, 862 (TTAB 1973). Also, because "the decision of the Federal district court is often binding upon the Board, while the decision of the Board is not binding upon the court," suspension of this opposition proceeding is appropriate. TBMP 510.02(a). *See also Goya Foods Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 853-854 (2d Cir. 1988) (holding that the doctrine of primary jurisdiction is not appropriate "where, as in the pending case, a district court suit concerns infringement, [and] the interest in prompt adjudication far outweighs the value of having the views of the PTO.").

Suspension of this opposition proceeding will avoid unnecessary duplication of proceedings on the issues of likelihood of confusion (which will have a bearing on B & S Partners' ability to register its mark). Such issues, among others, are now pending before the district court and their resolution will have a direct bearing on the outcome of this opposition proceeding. Accordingly, this opposition proceeding should be suspended to conserve the resources of the Board and the parties alike.

CONCLUSION

For the foregoing reasons, Opposer's Motion for Suspension of Proceedings pursuant to 37 C.F.R. § 2.117 and TBMP 510.02(a) pending the outcome and termination of the civil action now pending before the U.S. District Court for the District of Maryland should be granted.

Opposer's July 28, 2013 deadline for filing its Pretrial Disclosures, be suspended and reset pending the Board's ruling on this motion

By:

Date: July 15, 2013

Tracy-Gene G Durkin, Esq.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

1100 New York Avenue, NW Washington, D.C. 20005 Email: tdurkin@skgf.com

Telephone: (202) 371-2600 Facsimile: (202) 371-2540

Attorneys for Opposer Deer Stags Concepts Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2013, a true and complete copy of the foregoing OPPOSER'S MOTION FOR SUSPENSION PENDING OUTCOME OF ANOTHER PROCEEDING was served via first-class mail, postage prepaid, upon the following:

Arkady Altskan
B & S Partners, Inc. DBA Pilgrim Shoes
6710 Whitestone Rd.
Baltimore, MD 21207
United States

Muy Our.
Tracy-Gene G. Durkin

1714526v2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application No.: 85/100,262

Filed: August 4, 2010

Deer A Tracks

Opposition No. 91199841

Mark:

Published in the Official Gazette: January 18, 2011

Deer Stags Concepts Inc., *Opposer*,

V.

B & S Partners, Inc. DBA Pilgrim Shoes, *Applicant*.

Atty Docket: 2554.081OPT0/TGD/JDS

EXHIBIT A TO OPPOSER'S MOTION FOR SUSPENSION PENDING OUTCOME OF ANOTHER PROCEEDING

Julie Shirk

From:

Tracy Durkin

Sent:

Friday, June 28, 2013 4:50 PM

To:

Julie Shirk

Subject:

[FS#884908] Fwd: Activity in Case 1:13-cv-01885-WDQ Deer Stags Concepts Inc. v. B&S

Partners, Inc. dba Pilgrim Shoes et al Summons Issued

Tracy-Gene G. Durkin

Sterne Kessler Goldstein & Fox PLLC

Begin forwarded message:

From: <MDD CM-ECF Filing@mdd.uscourts.gov>

Date: June 28, 2013, 4:23:38 PM EDT **To:** <MDDdb ECF@mdd.uscourts.gov>

Subject: Activity in Case 1:13-cv-01885-WDQ Deer Stags Concepts Inc. v. B&S Partners,

Inc. dba Pilgrim Shoes et al Summons Issued

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Maryland

Notice of Electronic Filing

The following transaction was entered on 6/28/2013 at 4:23 PM EDT and filed on 6/28/2013

Case Name:

Deer Stags Concepts Inc. v. B&S Partners, Inc. dba Pilgrim Shoes et al

Case Number:

1:13-cv-01885-WDQ

Filer:

Document Number: 2

Docket Text:

Summons Issued 21 days as to Arkady Altskan, B&S Partners, Inc., Boris Borisov. (dass, Deputy Clerk)

1:13-cv-01885-WDQ Notice has been electronically mailed to:

Tracy Gene G Durkin <u>tdurkin@skgf.com</u>

1:13-cv-01885-WDQ Notice will not be electronically delivered to:

The following document(s) are associated with this transaction:

Document description: Main Document Original filename: n/a
Electronic document Stamp:

[STAMP dcecfStamp_ID=1046883720 [Date=6/28/2013] [FileNumber=4525204-0] [551dc3a59696fe8e4fc25b978c0d0b7d471dc03eebdf6e3e0835fbfb5ad3e9e5821 36eca988bc4ae02b9992eb9e59ae911f55b615049b7bde806535c7474aa99]]

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Deer Stags Concepts Inc.			DEFENDANTS B&S Partners, Inc.		
(c) Attorneys (Firm Name, 2) Sterne, Kessler, Goldstei 1100 New York Avenue,	ACCEPT IN U.S. PLAINTIFF CA Address, and Telephone Number n & Fox P.L.L.C.	r)	NOTE IN LAND CO	of First Listed Defendant (IN U.S. PLAINTIFF CASES O DIDEMNATION CASES, USE T OF LAND INVOLVED.	
(202) 371-2600 II. BASIS OF JURISDI	CTION (Place on "X" in O	ine Box (Inly)	CITIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintif,
U.S. Government Plaintiff	■ 3 Federal Question (U.S. Government)		(For Diversity Cases Only)	FF DEF	and One Box for Defendant) PTF DEF rincipal Place
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenshi	ip of Parties in Item III)		2	
\$1.00 m			Citizen or Subject of a Foreign Country	3 🗇 3 Foreign Nation	
IV. NATURE OF SUIT		oly) DRTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment ∞ Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers` Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 755 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 7385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other:	G25 Drug Related Seizure of Property 21 USC 881 G90 Other G90 Other Labor Lator Litigation G91 Employee Retirement Income Security Act G90 Other Labor Litigation G91 Employee Retirement Income Security Act G90 Other Labor Litigation G91 Employee Retirement Income Security Act G91 Employee Retirement Income Se	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent ≥ 840 Trademark SOCIAL SECURITY □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI □ 865 RSI (405(g)) FEDERAL TAX SUITS □ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS—Third Party 26 USC 7609	375 False Claims Act 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
	moved from	Appellate Court	(specify,	er District Litigation)	
VI. CAUSE OF ACTIO	ON Brief description of ca	nd 15 U.S.C. 1125(a)	ling (Do not cite jurisdictional standard	ir competition	
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER RULE 2	IS A CLASS ACTION 23, F.R.Cv.P.	DEMAND \$ Injunctive Relief	CHECK YES only JURY DEMAND	y if demanded in complaint: y: 🔀 Yes 🗖 No
VIII. RELATED CASI	E(S) (See instructions):	JUDGE	0	DOCKET NUMBER	
DATE 06/27/2013	1	SIGNATURE OF ATTO	NEY OF RECORD		20
FOR OFFICE USE ONLY RECEIPT # Al	MOUNT	APPLYING IFP	JUDGE	MAG. JU	JDGE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Deer Stags Concepts Inc.	
902 Broadway	

New York, New York 10010,

Plaintiff,

V.

JURY TRIAL DEMANDED

Civil Action No.

B&S Partners, Inc. dba Pilgrim Shoes 6710 Whitestone Road, Baltimore County Baltimore, Maryland 21207,

Arkady Altskan

6530 Copperfield Road, Baltimore County Baltimore, Maryland 21209, and

Boris Borisov

2222 Dalewood Road, Baltimore County Lutherville-Timonium, Maryland 21093,

Defendants.

COMPLAINT

Plaintiff Deer Stags Concepts Inc. ("Deer Stags") for its complaint against defendants B&S Partners, Inc. dba Pilgrim Shoes ("Pilgrim"), Arkady Altskan ("Altskan"), and Boris Borisov ("Borisov") (Pilgrim, Altskan, and Borisov together, "Defendants") alleges as follows:

PARTIES

1. Deer Stags is, and at all relevant times has been, a corporation organized and existing under the laws of the state of New York, with its principal place of business at 902 Broadway, New York, New York 10010.

- 2. On information and belief, Pilgrim is, and at all relevant times has been, a corporation organized and existing under the laws of Maryland, with its principal place of business at 6710 Whitestone Road, Baltimore County, Baltimore, Maryland 21207.
- 3. On information and belief, Altskan is an individual who resides at 6530 Copperfield Road, Baltimore County, Baltimore, Maryland 21209.
- 4. On information and belief, Borisov is an individual who resides at 2222 Dalewood Road, Baltimore County, Lutherville-Timonium, Maryland 21093.

JURISDICTION AND VENUE

- 5. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because it involves an action under the laws of the United States.
- 6. This Court has personal jurisdiction over Defendants because acts that give rise to this suit occurred in this judicial district.
- 7. This Court also has personal jurisdiction over Defendants because Defendants regularly transact business in this judicial district by, among other things, their offers to sell, sale, and distribution of products into this district.
- 8. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims in this action occurred in this judicial district and because Defendants are deemed to reside in this district either as a corporation or as individuals subject to this Court's personal jurisdiction under 28 U.S.C. § 1391.

STATEMENT OF THE CLAIM

9. This case involves Defendants' use of the trademarks Der Decks and DEER TRACKS in connection with Defendants' manufacture, offer to sell, sale, advertising, marketing, and promotion of footwear.

- 10. Deer Stags manufactures and sells footwear under the trademarks DEER STAGS and DEER STAGS.
- 11. This action seeks permanent injunctive relief for (a) trademark infringement in violation of the Trademark Act of 1946, 15 U.S.C. § 1114 and (b) false designation of origin and unfair competition in violation of the Trademark Act of 1946, 15 U.S.C. § 1125(a).

STATEMENT OF THE FACTS

Deer Stags' Footwear Business and Its Marks

- 12. Deer Stags designs, manufactures, and sells comfort footwear in a wide variety of styles for men, women, and boys ("Deer Stags' Footwear").
- 13. Deer Stags' Footwear is sold in various shoe stores, department stores, and chains, on various e-commerce sites, and on a home-shopping network.
- DEER STAGS, as registered for use with "footwear" (the '835 Registration). A print-out of the TSDR record for the '835 Registration is attached as Exhibit A.
 - 15. The '835 Registration is valid, in force, and incontestable.
- 16. Deer Stags' rights in and to the DEER STAGS mark as first used in commerce with footwear date to at least as early as December 15, 1989, and Deer Stags' use of the DEER STAGS mark has been continuous from that date to the present.
- 17. Deer Stags' DEER STAGS mark, as registered on the Principal Register under the '835 Registration, is inherently distinctive and entitled to a broad scope of protection.
- 18. The DEER STAGS mark is a valuable indicator of source, and Deer Stags has developed substantial goodwill in the DEER STAGS mark by investing significantly in the

promotion, distribution, and sale of footwear under the DEER STAGS mark. Exhibit B shows use of the DEER STAGS mark on footwear.

- 19. Deer Stags is the record owner of U.S. Registration No. 3,252,841 for the mark DEER STAGS for "footwear" (the '841 Registration"). A print-out of the TSDR record for the '841 Registration is attached as Exhibit C.
 - 20. The '841 Registration is valid, in force, and incontestable.
- 21. Deer Stags' rights in and to the DEER STAGS mark as first used in commerce with footwear date to at least as early as April 1974, and Deer Stags' use of the DEER STAGS mark has been continuous from that date to the present.
- 22. Deer Stags' DEER STAGS mark, as registered on the Principal Register under the '841 Registration, is inherently distinctive and entitled to a broad scope of protection.
- 23. The DEER STAGS mark is a valuable indicator of source, and Deer Stags has developed substantial goodwill in the DEER STAGS mark by investing significantly in the promotion, distribution, and sale of footwear under the DEER STAGS mark. An image showing use of the DEER STAGS mark on footwear can be seen in Exhibit D.

Defendants, Deer Tracks Footwear

- 24. Upon information and belief, Defendants manufacture, use, promote, offer for sale, sell, and distribute footwear under the mark Deer Diracks. Images of promotional materials and footwear bearing the Deer Diracks mark are attached as Exhibit E.
- 25. Upon information and belief, Defendants commenced use of the Deer Winds mark with footwear on or around 2010, long after Deer Stags commenced use of its DEER STAGS and DEER STAGS marks.

- 26. Upon information and belief, footwear bearing the **Dest Alfacks** mark is sold and distributed nationwide through conventional channels of trade for such goods, including in various shoe stores and department stores, and on various e-commerce sites.
- 27. Upon information and belief, Defendants use the DEER TRACKS mark in connection with the promotion and sale of footwear. Images of promotional materials showing use of the DEER TRACKS marks are attached as Exhibit F.
- 28. Upon information and belief, Defendants' promotional materials bearing the **Deer Wiracks** and DEER TRACKS marks are distributed nationwide through conventional means, including on the Internet, at trade shows, and in print advertising.
- 29. Defendants' use of the **Deer a Tracks** mark in connection with the manufacture, promotion, offer for sale, sale, and distribution of footwear infringes Deer Stags' rights in and to the DEER STAGS mark of its '835 Registration, and has caused, or is likely to cause, confusion in the marketplace.
- 30. Defendants' use of the DEER TRACKS mark in connection with the promotion and sale of footwear infringes Deer Stags' rights in and to the DEER STAGS mark of its '841 Registration, and has caused, or is likely to cause, confusion in the marketplace.
- 31. Defendants' use of the **Deer A Tracks** and DEER TRACKS marks falsely suggests to consumers that some connection or affiliation exists between the origin or source of Defendants' footwear and the origin or source of DEER STAGS or DEER STAGS-branded footwear.
- DEER STAGS mark of the '835 Registration and the DEER STAGS mark of the '841 Registration, has irreparably harmed Deer Stags and, if not enjoined by this Court, will continue

to irreparably harm Deer Stags and the reputation and goodwill of its DEER STAGS and DEER STAGS marks.

COUNT I - INFRINGEMENT OF FEDERALLY REGISTERED DEER STAGS AND DEER STAGS MARKS BY DEFENDANTS' FOOTWEAR (Federal Trademark Infringement Under Lanham Act 15 U.S.C. § 1114)

- 33. Deer Stags incorporates by reference the allegations contained herein in Paragraphs 1-32 as if set forth in full.
- 34. Defendants' use of the **Deer Miracks** mark with footwear so resembles the DEER STAGS mark of Deer Stags' '835 Registration that it has caused or is likely to cause confusion, or to cause mistake, or to deceive as to affiliation, connection or association of Defendants' footwear with Deer Stags, or as to the origin, sponsorship, or approval of Defendants' footwear and their activities.
- 35. Defendants' actions have caused and, unless enjoined by this Court, will continue to cause irreparable harm to Deer Stags.
- 36. Defendants' use of the DEER TRACKS mark with footwear so resembles the DEER STAGS mark of Deer Stags' '841 Registration that it has caused or is likely to cause confusion, or to cause mistake, or to deceive as to affiliation, connection or association of Defendants' footwear with Deer Stags, or as to the origin, sponsorship, or approval of Defendants' footwear and their activities.
- 37. Defendants' actions have caused and, unless enjoined by this Court, will continue to cause irreparable harm to Deer Stags.

COUNT II - INFRINGEMENT OF DEER STAGS AND DEER STAGS MARKS BY DEFENDANTS' FOOTWEAR

(Federal Trademark Infringement and False Designation of Origin Under 15 U.S.C. § 1125(a))

- 38. Deer Stags incorporates by reference the allegations contained herein in Paragraphs 1-37 as if set forth in full.
- 39. Defendants' use of the **Deer A Tracks** mark with footwear has caused and/or is likely to cause confusion, or to cause mistake with Deer Stags' DEER STAGS mark, or is likely to deceive as to the origin, affiliation, or sponsorship of Defendants' footwear in violation of 15 U.S.C. § 1125(a).
- 40. Defendants' use of the Deer Links mark falsely suggests to consumers that some connection or affiliation exists between the origin or source of Defendants' footwear and the origin or source of Deer Stags' DEER STAGS footwear, in violation of 15 U.S.C. § 1125(a).
- As a direct and proximate result of Defendants' willful conduct with respect to the Deer Diracks mark, Deer Stags has suffered and, unless Defendants' conduct is enjoined by this Court, will continue to suffer substantial injury to its business and to the goodwill associated with DEER STAGS footwear.
- 42. Defendants' use of the DEER TRACKS mark with footwear has caused and/or is likely to cause confusion, or to cause mistake with Deer Stags' DEER STAGS mark, or is likely to deceive as to the origin, affiliation, or sponsorship of Defendants' footwear in violation of 15 U.S.C. § 1125(a).
- 43. Defendants' use of the DEER TRACKS mark falsely suggests to consumers that some connection or affiliation exists between the origin or source of Defendants' footwear and the origin or source of Deer Stags' DEER STAGS footwear, in violation of 15 U.S.C. § 1125(a).

44. As a direct and proximate result of Defendants' willful conduct with respect to the DEER TRACKS mark, Deer Stags has suffered and, unless Defendants' conduct is enjoined by this Court, will continue to suffer substantial injury to its business and to the goodwill associated with DEER STAGS footwear.

PRAYER FOR RELIEF

WHEREFORE, Deer Stags requests that this Court:

- I. Enter judgment declaring that Defendants' use of the Deer Alacks mark infringes

 Deer Stags' DEER STAGS mark.
- II. Enter judgment declaring that Defendants' use of the DEER TRACKS mark infringes Deer Stags' DEER STAGS mark.
- III. Enter a permanent injunction enjoining Defendants, and their licensees, affiliates, subsidiaries, officers, agents, employees, representatives, privies, successors, assigns, and all those acting directly or indirectly for them or on their behalf, or acting in concert directly or indirectly, from:
- (a) using in any manner, on, or in connection with any of Defendants' footwear, the Deer a Tracks or DEER TRACKS mark complained of herein, or any other mark confusingly similar thereto; and
- (b) using in any manner, on or in connection with any of Defendants' footwear, the DEER STAGS or DEER STAGS mark, or any other mark confusingly similar thereto, in any manner that is likely to cause confusion, deception, or mistake, or that dilutes or is likely to dilute the distinctive quality thereof, or that unfairly competes with the footwear of Deer Stags, or that suggests a false designation of origin or source of Deer Stags.

- IV. Order that Defendants be required to deliver to Deer Stags for destruction any and all footwear, labels, tags, signs, displays, prints, boxes, packages, packaging, wrappers, molds, and advertisements in Defendants' possession or control that use, in any manner, Defendants' OPER TRACKS mark or any other trademark confusingly similar to that of Deer Stags.
- V. Order that Defendants be ordered to notify their customers and any affiliates thereof, in writing, that they are not to sell the infringing footwear of Defendants' complained of herein and that said customers are to impound and return all units of such infringing footwear.
- VI. Order Defendants to file with the Court and serve upon Deer Stags' counsel within 30 days after entry of judgment in this matter a report in writing, under oath, setting forth in detail the manner and form in which Defendants have complied with said judgment, and the manner and form Defendants will employ in the future to ensure that footwear made, used or sold by Defendants do not infringe the trademarks of Deer Stags referred to herein or otherwise.
- VII. Award such other and further relief as may be just and proper under the circumstances.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Deer Stags demands a trial by jury.

Respectfully submitted,

/s/

Tracy-Gene G. Durkin (#09660)

STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.

1100 New York Avenue, N.W. Washington, D.C. 20005

Telephone: 202-371-2600 Facsimile: 202-371-2540

tdurkin@skgf.com

Attorneys for Deer Stags Concepts Inc.

Date: June 27, 2013

1706924v1



Generated on: This page was generated by TSDR on 2013-06-24 14:42:31 EDT

Mark: DEER STAGS

DEER

US Serial Number: 77054337

Application Filing Date: Nov. 30, 2006

US Registration Number: 3252835

Registration Date: Jun. 19, 2007

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jul. 02, 2012 Publication Date: Apr. 03, 2007

Mark Information

Mark Literal Elements: DEER STAGS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of right profile of deer with antlers centered between the words DEER and STAGS.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.07.07 - Caribou; Deer. elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala

03.07.08 - Antelopes; Heads of deer, elk, reindeer, fawns, antelopes, moose, gazelles 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose

03.13.03 - Horns (of animal) along (not part of heads), antlers

Related Properties Information

Claimed Ownership of US 1936341, 1944901, 2228434 and others

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [,] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of Asterisks *..* identify additional (naw) wording in the goods/services.

For: Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE Basis: 1(a)

First Use: Dec. 15, 1989

Use in Commerce: Dec. 15, 1989

Basis Information (Case Level)

Amended Use: No Currently Use: Yes Filed Use: Yes Amended ITU: No Currently ITU: No Filed ITU: No Amended 44D: No Currently 44D: No Filed 44D: No Amended 44E: No Filed 44E: No Currently 44E: No Currently 66A: No Filed 66A: No

Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: DEER STAGS CONCEPTS INC.

Owner Address: 902 BROADWAY

NEW YORK, NEW YORK 10010

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tracy-Gene G. Durkin

Docket Number: 2554.0040000

Attorney Primary Email tm@skgf.com
Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Tracy-Gene G. Durkin

Name/Address: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C 1100 New York Avenue, N.W. WASHINGTON, DISTRICT OF COLUMBIA 20005

UNITED STATES

Phone: 202-371-2600

Fax: 202-371-2540

Correspondent e-mail: tm@skgf.com

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 05, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 02, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 02, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Jul. 02, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Jun. 28, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 30, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 29, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 19, 2007	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2007	PUBLISHED FOR OPPOSITION	
Mar. 14, 2007	NOTICE OF PUBLICATION	
Feb. 13, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Feb. 12, 2007	ASSIGNED TO LIE	78289
Jan. 10, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 2007	ASSIGNED TO EXAMINER	80801
Dec. 06, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 05, 2006	NEW APPLICATION ENTERED IN TRAM	
	De la Company de	

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted Use:

Affidavit of Section 15 - Accepted Incontestability:

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Jul. 02, 2012

Pages: 3

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Deer Stags, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: 4285/0270

Date Recorded: Sep. 28, 2010

Supporting Documents: assignment-tm-4285-0270.pdf

Assignor

Name: DEER STAGS, INC.

Execution Date: May 07, 2010

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Assignee

Name: DEER STAGS CONCEPTS INC.

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Address: 902 BROADWAY

NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: TRACY-GENE G. DURKIN

Correspondent Address: 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: AMENDMENT TO TRADEMARK COLLATERAL SECURITY AGREEMENT RECORDED ON 7/17/2008 WITH THE USPTO AT REEL

3817 FRAME 0728.

Reel/Frame: 4784/0007

Pages: 8

Date Recorded: May 18, 2012

Supporting Documents: assignment-tm-4784-0007.pdf

Assignor

Name: DEER STAGS CONCEPTS INC.

Execution Date: May 16, 2012

Legal Entity Type: CORPORATION

State or Country Where NEW YORK Organized:

DBA, AKA, TA, Formerly: FORMERLY KNOWN AS DEER STAGS, INC.

Assignee

Name: WELLS FARGO TRADE CAPITAL SERVICES, INC., FORMERLY KNOWN AS CENTURY BUSINESS CREDIT CORPORATION

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Address: 100 PARK AVENUE

NEW YORK, NEW YORK 10017

Correspondent

Correspondent Name: SUSAN O'BRIEN

Correspondent Address: CT LIEN SOLUTIONS

187 WOLF ROAD - SUITE 101 ALBANY, NEW YORK 12205

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91202233

Filing Date: Oct 24, 2011 Status Date: Aug 30, 2012

Status: Terminated Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Mohammed A. Alanjeri Company for General Trading & Contracting

Correspondent Address: KEVIN G SMITH

SUGHRUE MION PLLC 2100 PENNSYLVANIA AVE NW WASHINGTON DC , 20037 3202

UNITED STATES

Correspondent e-mail: tm@sughrue.com, ksmlth@sughrue.com, vmullineaux@sughrue.com

Associated marks

Application Status

Serial Number Registration Number

Mark

85037696

DEER & DEAR DD

Abandoned - After Inter-Partes Decision

Plaintiff(s)

Name: Deer Stags Concepts Inc.

Correspondent Address: TRACY-GENE G DURKIN STERNE KESSLER GOLDSTEIN & FOX PLLC 1100 NEW YORK AVE NW

WASHINGTON DC , 20005 UNITED STATES

 $\textbf{Correspondent e-mail: } \underline{ \text{tm@skgf.com}}, \underline{ \text{tdurking@skgf.com}}, \underline{ \text{iestoest@skgf.com}}$

Ass	oci	ate	d m	ar	ks

Mark	Application Status	Serial Number	Registration Number
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77061007	3252841
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77054337	<u>3252835</u>
	Prosecution History		

	Prose	ecution History	
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 24, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 24, 2011	Dec 03, 2011
3	PENDING, INSTITUTED	Oct 24, 2011	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 05, 2011	
5	EXTENSION OF TIME GRANTED	Dec 05, 2011	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 24, 2012	
7	EXTENSION OF TIME GRANTED	Jan 24, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Apr 02, 2012	
9	EXTENSION OF TIME GRANTED	Apr 02, 2012	
10	NOTICE OF DEFAULT	Jul 16, 2012	
11	BOARD'S DECISION: SUSTAINED	Aug 30, 2012	
12	TERMINATED	Aug 30, 2012	
	Type of Proc	eeding: Opposition	***************************************

Type of Proceeding: Opposition Proceeding Number: 91199841

Filing Date: May 13, 2011

Status: Pending

Status Date: May 13, 2011

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: B & S Partners, Inc. DBA Pilgrim Shoes

Correspondent Address: ARKADY ALTSKAN

B & S PARTNERS INC 6710 WHITESTONE RD BALTIMORE MD , 21207 4102

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ \text{arkashka@hotmail.com}} \ \, , \\ \underline{ \text{aaltskan@pilgrimshoes.com}} \\$

Associated marks

Mark	Application Status	Serial Registration Number Number
DEER TRACKS	Opposition Pending	<u>85100262</u>
	Plaintiff(s)	

Name: Deer Stags Concepts Inc.

Correspondent Address: TRACY GENE G DURKIN STERNE KESSLER GOLDSTEIN FOX PLLC

1100 NEW YORK AVE NW WASHINGTON DC, 20005 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{tdurkin@skgf.com} \ , \underline{tm@skgf.com} \ , \underline{ishirk@skgf.com}$

Associated marks

Mark	Application Status	Serial Number	Registration Number
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77061007	3252841
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77054337	3252835

Prosecution History

Entry	History	/ Text	Date		Due Date
Number			May, 42, 2044		
1	FILED AN		May 13, 2011		Jun 22, 2011
2		ND TRIAL DATES SENT; ANSWE			Juli 22, 2011
3		, INSTITUTED	May 13, 2011		
4	ANSWER	TIC MOTION	Jun 03, 2011		
5		E'S MOTION	Jun 30, 2011		
6		COMMUNICATION	Jul 13, 2011		
7		FOR EXTEN. OF TIME W/ CONSEI			
8		ON OF TIME GRANTED	Dec 19, 2011		
9		ON TO COMPEL DISCOVERY	Jan 17, 2012		
10		DED PENDING DISP OF OUTSTNO			
11	PROCEE	DINGS RESUMED	Jun 25, 2012		
12	P'S MOT F	FOR EXTEN. OF TIME W/ CONSE	,		
13	EXTENSION	ON OF TIME GRANTED	Sep 26, 2012		
14	STIP TO S	SUSPEND PEND SETTLEMENT N	EGOTNS Dec 13, 2012		
15	SUSPEND	DED	Dec 13, 2012		
16	STIP TO S	SUSPEND PEND SETTLEMENT N	EGOTNS Feb 06, 2013		
17	SUSPEND	DED	Feb 06, 2013		
	*******	T	ype of Proceeding: Opposition Filing Date: Mar 30, 2010		
	Name:	FRANCES S WOLFSON B & S Partners, Inc.	Defendant		
Correspond	lent Address:	PETER S. SLOANE LEASON ELLIS LLP 81 MAIN STREET, SUITE 503 WHITE PLAINS NY , 10601 UNITED STATES			
Correspo	ndent e-mail:	tmdocket@leasonellis.com			
Associated m	arks				
Mark			Application Status	Serial Number	Registration Number
DEEDTOACK	CINICOT AME	ERICAN DEERSKIN	Abandoned - After Inter-Partes Decision	77774118	11411114
DELIVITATION) I HAMOL WING		Plaintiff(s)		
	Name:	Deer Stags, Inc.	Transm(o)		
Correspond		TRACY-GENE G. DURKIN STERNE, KESSLER, GOLDSTEIL	N & FOX P.L.L.C.		
Correspo		1100 NEW YORK AVENUE N.W. WASHINGTON DC , 20005 UNITED STATES			
Associated m	ndent e-mail:	WASHINGTON DC, 20005	, iestaest@skgf.cam		
		WASHINGTON DC , 20005 UNITED STATES	, iestoest@skgf.com		
Mark		WASHINGTON DC , 20005 UNITED STATES	, <u>iestoest@skgf.com</u> Application Status	Serial Number	Registration Number
	arks	WASHINGTON DC , 20005 UNITED STATES			
Mark DEER STAGS DEER STAGS	arks	WASHINGTON DC , 20005 UNITED STATES	Application Status Section 8 and 15 - Accepted and	Number	Number

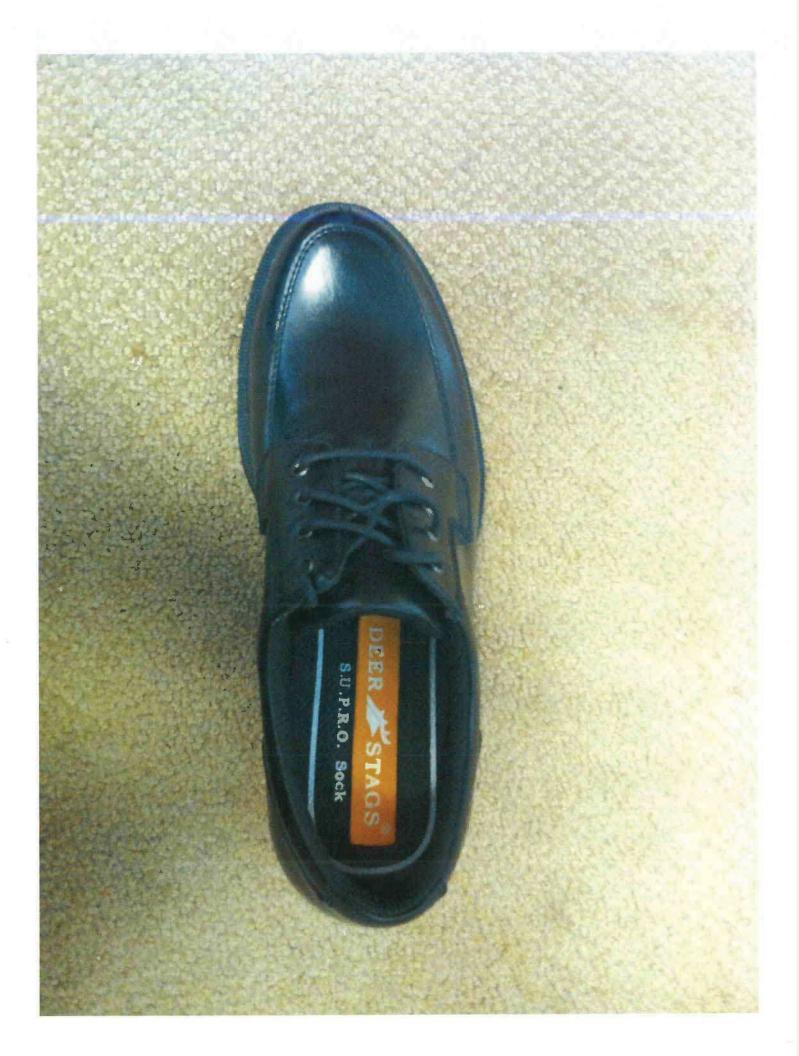
Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 30, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 05, 2010	May 15, 2010

Acknowledged

Prosecution History

3	PENDING, INSTITUTED	Apr 05, 2010
4	NOTICE OF DEFAULT	Jun 04, 2010
5	BOARD'S DECISION: SUSTAINED	Jul 19, 2010
6	TERMINATED	Jul 19, 2010







Generated on: This page was generated by TSDR on 2013-06-24 14:41:48 EDT

Mark: DEER STAGS

DEER STAGS

US Serial Number: 77061007

Application Filing Date: Dec. 11, 2006

US Registration Number: 3252841

Registration Date: Jun. 19, 2007

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Dec. 04, 2012

Publication Date: Apr. 03, 2007

Mark Information

Mark Literal Elements: DEER STAGS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US 1936341, 1944901, 2228434 and others

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services.

· Brackets [] indicate deleted goods/services:

Double parenthesis ((,)) identify any goods/services not claimed in a Section 15 afficiavit of

Asterisks * .* identify additional (new) wording in the goods/services

For: Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE Basis: 1(a)

First Use: Apr. 1974

Use in Commerce: Apr. 1974

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Currently 44E: No

Filed 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: DEER STAGS CONCEPTS INC.

Owner Address: 902 BROADWAY

NEW YORK, NEW YORK 10010

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Attorney/Correspondence Information

Attorney of Record

Docket Number: 2554 0070000 Attorney Name: Tracy-Gene G. Durkin

Attorney Primary Email tm@skgf.com

Attorney Email Yes Authorized:

Correspondent

Correspondent Tracy-Gene G. Durkin
Name/Address: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C
1100 New York Avenue, N.W.
WASHINGTON, DISTRICT OF COLUMBIA 20005

UNITED STATES

Phone: 202-371-2600

Fax: 202-371-2540

Correspondent e-mail: tm@skgf.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description			Proceeding Number
Dec. 04, 2012	NOTICE OF ACCEPT	ANCE OF SEC. 8 & 15 -	E-MAILED	
Dec. 04, 2012	REGISTERED - SEC.	8 (6-YR) ACCEPTED &	SEC. 15 ACK.	70131
Dec. 03, 2012	CASE ASSIGNED TO	POST REGISTRATION	PARALEGAL	70131
Nov. 06, 2012	TEAS SECTION 8 & 1	5 RECEIVED		
Sep. 05, 2012	ASSIGNMENT OF OV	VNERSHIP NOT UPDAT	ED AUTOMATICALLY	
May 30, 2012	ASSIGNMENT OF OV	VNERSHIP NOT UPDAT	ED AUTOMATICALLY	
Sep. 29, 2010	AUTOMATIC UPDATI	E OF ASSIGNMENT OF	OWNERSHIP	
Jun. 19, 2007	REGISTERED-PRINC	CIPAL REGISTER		
Apr. 03, 2007	PUBLISHED FOR OP	POSITION		
Mar. 14, 2007	NOTICE OF PUBLICA	ATION		
Feb. 15, 2007	LAW OFFICE PUBLIC	CATION REVIEW COMPI	LETED	78289
Feb. 12, 2007	ASSIGNED TO LIE			78289
Jan. 10, 2007	APPROVED FOR PU	B - PRINCIPAL REGISTE	≣R	
Jan. 09, 2007	ASSIGNED TO EXAM	IINER		80801
Dec. 14, 2006	NEW APPLICATION I	ENTERED IN TRAM		
	Maintonance	Filings or Post F	Pegistration Inform	nation

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted Use:

> Affidavit of Section 15 - Accepted Incontestability:

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Dec. 04, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Deer Stags, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: 4285/0270

Pages: 3

Date Recorded: Sep. 28, 2010

Legal Entity Type: CORPORATION

Supporting Documents: assignment-tm-4285-0270.pdf

Name: DEER STAGS, INC.

Assignor

Execution Date: May 07, 2010

State or Country Where NEW YORK

Organized:

Assignee

Name: DEER STAGS CONCEPTS INC.

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Address: 902 BROADWAY

NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: TRACY-GENE G. DURKIN

Correspondent Address: 1100 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: AMENDMENT TO TRADEMARK COLLATERAL SECURITY AGREEMENT RECORDED ON 7/17/2008 WITH THE USPTO AT REEL

3817 FRAME 0728.

Reel/Frame: 4784/0007

Date Recorded: May 18, 2012

Supporting Documents: assignment-tm-4784-0007.pdf

Assignor

Name: DEER STAGS CONCEPTS INC.

Execution Date: May 16, 2012 State or Country Where NEW YORK

Pages: 8

Organized:

DBA, AKA, TA, Formerly: FORMERLY KNOWN AS DEER STAGS, INC.

Assignee

Name: WELLS FARGO TRADE CAPITAL SERVICES, INC., FORMERLY KNOWN AS CENTURY BUSINESS CREDIT CORPORATION

Legal Entity Type: CORPORATION

Legal Entity Type: CORPORATION

State or Country Where NEW YORK

Organized:

Address: 100 PARK AVENUE

NEW YORK, NEW YORK 10017

Correspondent

Correspondent Name: SUSAN O'BRIEN

Correspondent Address: CT LIEN SOLUTIONS

187 WOLF ROAD - SUITE 101 ALBANY, NEW YORK 12205

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91202233

Filing Date: Oct 24, 2011

Status: Terminated

Status Date: Aug 30, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Mohammed A. Alanjeri Company for General Trading & Contracting

Correspondent Address: KEVIN G SMITH

SUGHRUE MION PLLC 2100 PENNSYLVANIA AVE NW WASHINGTON DC , 20037 3202

UNITED STATES

Correspondent e-mail: tm@sughrue.com , ksmith@sughrue.com , vmullineaux@sughrue.com

Associated marks

Mark

Application Status

Serial Number Registration Number

DEER & DEAR DD

Abandoned - After Inter-Partes Decision

85037696

Plaintiff(s)

Name: Deer Stags Concepts Inc.

Correspondent Address: TRACY-GENE G DURKIN

STERNE KESSLER GOLDSTEIN & FOX PLLC

1100 NEW YORK AVE NW WASHINGTON DC , 20005 UNITED STATES

Correspondent e-mail: tm@skgf.com, tdurking@skgf.com, iestoest@skgf.com

Associated marks

Mark		Application Status					Registration Number
DEER STAGS				Section 8 and 15 - Accepted and Acknowledged		77061007	3252841
DEER STAGS			Section 8 an	d 15 - Accepted and ed		77054337	<u>3252835</u>
				on History			
Entry Number	Histor	/ Text		Date		Due Date	
1	FILED AN	D FEE		Oct 24, 2011			
2	NOTICE A	ND TRIAL DATES SENT; ANSWER	DUE:	Oct 24, 2011	ŀ	Dec 03, 2011	E
3	PENDING	, INSTITUTED		Oct 24, 2011			
4	STIPULAT	TION FOR AN EXTENSION OF TIME		Dec 05, 2011			
5	EXTENSI	ON OF TIME GRANTED		Dec 05, 2011			
6	STIPULA	TION FOR AN EXTENSION OF TIME		Jan 24, 2012			
7	EXTENSI	ON OF TIME GRANTED		Jan 24, 2012			
8	STIPULA	TION FOR AN EXTENSION OF TIME		Apr 02, 2012			
9	EXTENSI	ON OF TIME GRANTED		Apr 02, 2012			
10	NOTICE (OF DEFAULT		Jul 16, 2012			
11	BOARD'S	DECISION: SUSTAINED		Aug 30, 2012			
12	TERMINA	TED		Aug 30, 2012			
		Ту	pe of Proceed	ing: Opposition			
Proceed	ling Number:	91199841		-	May 13, 2011		
Status:		Pending		Status Date:	May 13, 2011		
Interlocuto	ory Attorney:	BENJAMIN U OKEKE	Defe	ndant			
	Name	B & S Partners, Inc. DBA Pilgrim Sh		idant			
Correspond		ARKADY ALTSKAN	1003				
Correspond	ent Addiess.	B & S PARTNERS INC 6710 WHITESTONE RD BALTIMORE MD , 21207 4102 UNITED STATES					
Correspon	ndent e-mail:	arkashka@hotmail.com, aaltskan@	pilgrimshoes.cor	<u>n</u>			
Associated m	arks						
Mark			Application	Status		Serial Number	Registration Number
DEER TRACKS	3		Opposition F	Pendina		85100262	
DEEN TRACK	~			tiff(s)			
	Name:	Deer Stags Concepts Inc.					
Correspond	ent Address:	TRACY GENE G DURKIN STERNE KESSLER GOLDSTEIN F 1100 NEW YORK AVE NW WASHINGTON DC , 20005 UNITED STATES	FOX PLLC				
Correspo	ndent e-mail:	tdurkin@skgf.com , tm@skgf.com ,	jshirk@skgf.com				
Associated m	arks						Marie Territoria
Mark			Application	Status		Serial Number	Registration Number
DEER STAGS			Section 8 and 15 - Accepted and Acknowledged		77061007	3252841	
DEER STAGS			Acknowledg			77054337	3252835
			Prosecuti	on History			
Entry Number	Histor	y Text		Date			Due Date
1	FILED AN	ID FEE		May 13, 2011			
2	NOTICE	AND TRIAL DATES SENT; ANSWER	: DUE:	May 13, 2011			Jun 22, 2011
-				and the second second			

May 13, 2011

3

PENDING, INSTITUTED

4	ANSWER	Jun 03, 2011	
5	PLAINTIFF'S MOTION	Jun 30, 2011	
6	BOARD'S COMMUNICATION	Jul 13, 2011	
7	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 19, 2011	
8	EXTENSION OF TIME GRANTED	Dec 19, 2011	
9	P'S MOTION TO COMPEL DISCOVERY	Jan 17, 2012	
10	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 21, 2012	
11	PROCEEDINGS RESUMED	Jun 25, 2012	
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 14, 2012	
13	EXTENSION OF TIME GRANTED	Sep 26, 2012	
14	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 13, 2012	
15	SUSPENDED	Dec 13, 2012	
16	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 06, 2013	
17	SUSPENDED	Feb 06, 2013	
Type of Proceeding: Opposition			

Type of Proceeding: Opposition

Proceeding Number: 91194397

Status: Terminated

Filing Date: Mar 30, 2010

Status Date: Jul 19, 2010

Interlocutory Attorney: FRANCES S WOLFSON

Defendant

Name: B & S Partners, Inc.

Correspondent Address: PETER S. SLOANE LEASON ELLIS LLP 81 MAIN STREET, SUITE 503 WHITE PLAINS NY , 10601 UNITED STATES

Correspondent e-mail: tmdocket@leasonellis.com

Associated marks

Registration Number Serial **Application Status** Mark Number

DEERTRACKS FINEST AMERICAN DEERSKIN Abandoned - After Inter-Partes Decision Plaintiff(s)

77774118

Name: Deer Stags, Inc.

Correspondent Address: TRACY-GENE G. DURKIN STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE N.W. WASHINGTON DC, 20005 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ tdurkin@skgf.com} \ , \ \underline{tm@skgf.com} \ , \ \underline{iestoest@skgf.com}$

Associated marks

7100001atoa marko			
Mark	Application Status	Serial Number	Registration Number
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77061007	3252841
DEER STAGS	Section 8 and 15 - Accepted and Acknowledged	77054337	<u>3252835</u>
	Section 8 and 15 - Accepted and Acknowledged	77061011	3287743

Prosecution History

	Prosecution financity					
Entry Number	History Text	Date	Due Date			
1	FILED AND FEE	Mar 30, 2010				
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 05, 2010	May 15, 2010			
3	PENDING, INSTITUTED	Apr 05, 2010				
4	NOTICE OF DEFAULT	Jun 04, 2010				
5	BOARD'S DECISION: SUSTAINED	Jul 19, 2010				
6	TERMINATED	Jul 19, 2010				

EXHIBIT D



EXHIBIT E



Black and Brown Leather **Width** M, W, WW

Width M, W, WW Sizes 7—12, 13

Removable insole





Black and Brown Leather Width M, W, WW Sizes 7—12, 13

Removable insole





Black and Brown Leather Width M, W, WW Sizes 7—12, 13





Black and **Brown Leather** Width M, W, WW **Sizes** 7—12, 13

Removable insole





Drift | D2007

Black and **Brown Leather**

Width M, W, WW **Sizes** 7—12, 13

Removable insole





Escape D2008

Black and **Brown Leather** Width M, W, WW Sizes 7—12, 13





Wave D1010

Black and **Brown Leather**

Width M, W, WW **Sizes** 5 — 11

Removable insole





Fortune | D1011

Black Leather Width M, W, WW

Sizes 5 — 11

Removable insole





Black and Beige Leather

Width M, W, WW Sizes 5 — 11





Revel D1017

Black and Navy Leather

Width M, W, WW **Sizes** 5 — 11

Removable insole





Miracle Black and D1019

Beige Leather

Width M, W, WW **Sizes** 5 — 11

Removable insole





Cloud D1022

Black and Bronze/Oyster Leather

Width M, W, WW **Sizes** 5 — 11



EXHIBIT F

Deer Tracks Catalog

Hoopoe Catalog

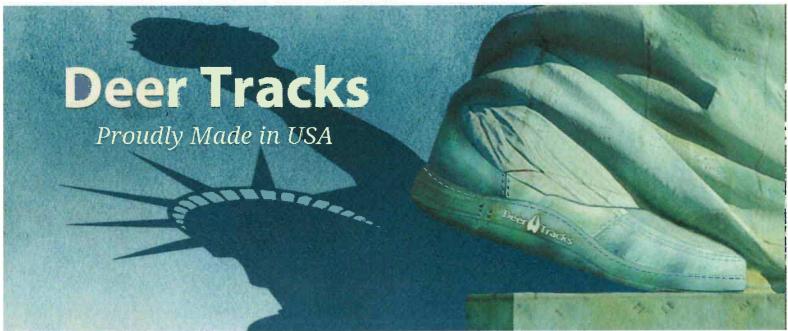
Account Registration (/General/New Account a

Women

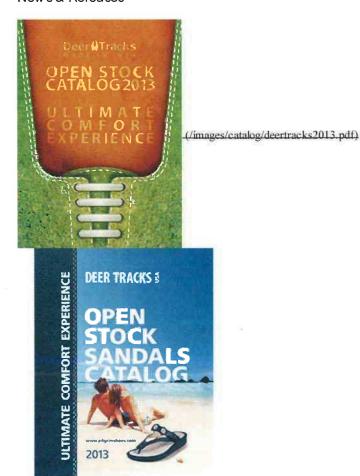
Men Women (http://deer- (http://hoopc(http://hoopoeshoes.us/Ecomimier ce/Generatracks.com/ftracks.com/Ecomimier ce/GeCCD=Men-TCCD=Wionven-.aspx?\fracks.com/recrueve=asswor.

BCD=DT&CCBCD=DT&CCD=Women-Shoes)

About Us (/Ecommerce/General/AbouShoes) spx) Shoes)



News & Releases



(/images/catalog/deertrackssandals.pdf)

Trade Shows

August 11-12, 2013 TRU show San Francisco, CA

August 14-16, 2013 Atlanta Shoe Market Cobb Galleria Centre & Renaissance Hotel, Atlanta, GA

August 19-21, 2013 FN Platform Las Vegas Convention Center, Las Vegas, NV

August 25-26, 2013, 2013 Michigan Show Market Embassy Suites, Livonia, MI

2013 Trade Shows list download (4mb)

Deer Tracks Catalog

Hoopoe Catalog

Account Registration (/General/New Account a

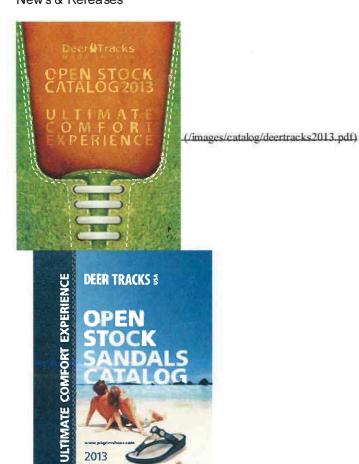
Women BCD=DT&CCBCD=DT&CCD=Women-

Shoes)

About Us (/Ecommerce/General/AbouShoes) spx) Shoes)



News & Releases



(/images/catalog/deertrackssandals.pdf)

Trade Shows

August 11-12, 2013 TRU show San Francisco, CA

August 14-16, 2013 Atlanta Shoe Market Cobb Galleria Centre & Renaissance Hotel, Atlanta, GA

August 19-21, 2013 FN Platform Las Vegas Convention Center, Las Vegas, NV

August 25-26, 2013, 2013 Michigan Show Market Embassy Suites, Livonia, MI

2013 Trade Shows list download (4mb)

Deer Tracks Men's Collection

Deer Tracks Catalog

Men Women (http://deer-(http://deerAccount Registration (_/General/NewAccount.a

Forgot Your Fassword?

tracks.com/ftracks.com/Ecommlerce/General/DeerTracksBrowser.aspx?al/RetrieveFasswor

BCD=DT&CCBCD=DT&CCD=Women-About Us (/Ecommerce/General/AboutUs.Shoes)

Technologies (/Ecommerce/General/Technology.aspx)

Customer Center (/Ecommerce/General/CustomerCenter.aspx)

Contact Us (/Ecommerce/General/ContactUs.aspx)

Search

Display 8 products per page Sort products by Product No.

Shoes&BCD=DT&ZCD=&RCD=&MCD=&SCD=&SORT-&PG=1&PS=8&Sch=Y&keyword=) 2 (?DCD=&CCD=Men-

Shoes&BCD=DT&ZCD=&RCD=&MCD=&SCD=&SORT=&PG=2&PS=8&Sch=Y&keyword=) **3** 4 (?DCD=&CCD=Men-

Shoes&BCD=DT&ZCD=&RCD=&MCD=&SCD=&SORT=&PG=4&PS=8&Sch=Y&keyword=) » (?DCD=&CCD=Men-

Shoes&BCD=DT&ZCD=&RCD=&MCD=&SCD=&SORT=&PG=4&PS=8&Sch=Y&keyword=)







Drift D2007-W

(ProductDetail.aspx?PROD_CD=D2007-W)

Drift D2007-WW

Escape

D2008-M

(ProductDetail.aspx?PROD_CD=D2007-WW) (ProductDetail.aspx?PROD_CD=D2008-M)

Escape D2008-W

(ProductDetail.aspx?PROD CD=D2008-W)









Escape D2008-WW

Adventurer D2101-W

(ProductDetail.aspx?PROD_CD=D2008-WW) (ProductDetail.aspx?PROD_CD=D2101-W)

Stroller D2102-W

(ProductDetail.aspx?PROD_CD=D2102-W)

Wanderer D2103-W

(ProductDetail.aspx?PROD CD=D2103-W)

Deer Tracks Collection

Deer Tracks Catalog

Women Men (http://deer-(http://deerAccount Registration (/General/New Account a

Forgot Your Fassword?

tracks.com/ftracks.com/Ecommlerce/General/DeerTracksBrowser.aspx²;al/RetrieveFasswor BCD=DT&CCBCD=DT&CCD=Women-

About Us (/Ecommerce/General/AboutUs.Shoes)

Technologies (/Ecommerce/General/Technology.aspx)

Customer Center (/Ecommerce/General/CustomerCenter.aspx)

Contact Us (/Ecommerce/General/ContactUs.aspx)

Search

Product Details

(DeerTracksBrowser.aspx?BCD=DT&CCD=Men-Shoes&PG=&PS=)



DT&CCD=Men-Shoes&PG=&PS=)

Explorer Item #: D2001-W

Comfortable lace-up shoe with a specially designed last to enhance stability and a large toe-box to accommodate most foot conditions.



View More Colors: Black

Click here (/General/WriteReview aspx? PROD_CD=D2001-W) to leave your comment.

Share this Product:

(http://www.myspace.com/index.cfm?

fuseaction=postto&t=Explorer&c=Explorer&u=http%3a%2f%2fdeertracks.com%2fFcommerce%2fGeneral%2fProductDetail.aspx& =1)

f (http://www.facebook.com/sharer.php?u=http%3a%28%2fdeer-

tracks_com%2fFcommerce%2fGeneral%2fProductDetail.aspx&t=Explorer)

http://digg.com/submit?phase=2&url=http%3a%2f%2fdeer-

tracks.com%2fEcommerce%2fGeneral%2fProductDetail.aspx&title=Explorer&bodytext=Explorer&topic=)

G (http://www.google.com/bookmarks/mark?

op=edit&output=popup&bkmk=http%3a%2f%2fdeer-

tracks_com%2fFcommerce%2fGeneral%2fProductDetail.aspx&title=Explorer)

\(\text{http://mvweb vahoo.com/mvresults/bookmarklet?u=http%3a%2f%2fdeertracks_com%2fEcommerce%2fGeneral%2fProductDetail.aspx&t=Explorer&ei=UTE)

(http://spaces.live.com/BlogIt.aspx?

Title=Explorer&SourceURL=http%3a%2f%2fdeer-

tracks_com%2fEcommerce%2fGeneral%2fProductDetail.aspx&description=Explorer)

(http://www.mixx.com/submit?

page_url=http%3a%2f%2fdeer-

tracks_com%2fEcommerce%2fGeneral%2fProductDetail.aspx)

(http://twitter.com/home?

status=Looking+at+Explorer)

Operated by Pilgrim Shoes a 1997-2013

Toll free 888.493.2859 410.277.8855 410.277.9988 (fax)

About Lis (../General/AboutUs aspx)
Customer Center (../General/CustomerCenter.aspx)
Contact Lis (../General/ContactLis.aspx)
Legal info (../General/LegalInfo.aspx)
Terms of use
Privacy policy